

The Honorable \_\_\_\_\_

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

PlentyofFish Media Inc., an entity organized or existing under the laws of Canada,	)	
	)	
Plaintiff,	)	Civil Action No. 12-2099
	)	
v.	)	COMPLAINT FOR COMPUTER
	)	FRAUD AND TRESPASS TO
	)	CHATTELS
FCI, Inc., a Washington corporation, LRAM Company B.V., an entity organized or existing under the laws of the Netherlands, Protecting Solutions Ltd., an entity organized or existing under the laws of the United Kingdom, Robert A. H. Leahy, an individual residing in British Columbia, Canada, Michael Tell, an individual, and John Does 1-5,	)	
	)	
Defendants.	)	JURY TRIAL DEMANDED
	)	

COMES NOW Plentyoffish Media Inc. ("POF") and for its complaint against FCI, Inc, Lram Company B.V. ("LRAM"), Protecting Solutions Ltd. ("PSL"), Michael Tell, and John Does 1 through 5, states:

**Nature of Claim**

1. POF has brought this action to stop hackers from illegally directing customers and Internet traffic from POF's website POF.COM to other websites, including websites owned

by Defendants FCI, LRAM, PSL, Robert Leahy and Michael Tell. This lawsuit also is brought to recover damages suffered by POF as a result of the illegal hacking. As recently as November, 2012, Defendants have directed or hired others to direct numerous POF.COM members and users to other websites by illegally accessing POF.COM under false pretenses, oftentimes using false user information.

### **Parties**

2. POF is a Canadian company located in British Columbia, Canada. It owns and operates the computer dating website POF.COM (a/k/a PLENTYOFFISH.COM) used by customers throughout the United States. POF has numerous United States members on its website.

3. Defendant FCI, Inc. is a Washington corporation with its principal place of business in Seattle, Washington. FCI owns and operates the website freeseccretcams.com. This website is an interactive website which allows users to pay with a credit card and receive webcam services.

4. LRAM is a Dutch company with its principal place of business in the Netherlands. It owns and operates a website directed to users in the U.S. called myfreecams.com. This interactive website allows users to pay with a credit card and receive webcam services. LRAM also has directed traffic to FCI's website. Upon information and belief, LRAM has numerous members in the United States.

5. PSL is a British company with its principal place of business in the United Kingdom. It owns and operates a website directed to users in the U.S. called personalcams.com. This interactive website allows users to pay with a credit card and receive webcam services. Upon information and belief, PSL has numerous members in the United States.

6. Robert A. H. Leahy is an individual residing in Victoria, British Columbia, Canada. Leahy owns and operates the domain name rleahy.ca, and owns and operates the webpage at rleahy.com/131. This website (and other pages rleahy.ca/131, rleahy.ca/133 and rleahy.ca/134) is used by Leahy to unlawfully direct POF.COM members and web traffic to Defendant Michael Tell's webcam landing site facetimemeinvite.com/viplady5, as well as to the website crushcaminvite.com. These pages are then used to direct POF.COM members to other webcam and dating sites such as FCI, LRAM and PSL.

7. Upon information and belief, Defendant Michael Tell is a resident of Kentucky. He is an internet marketer who has engaged, or has assisted a marketing company to engage, in the illegal hacking activities referenced in this lawsuit. Michael Tell owns two websites, facetimemeinvite.com and profilecamcrush.com, that redirect web traffic to interactive webcam sites, including some of the other defendants. Tell's websites were used to perpetrate the illegal hacking scheme by directing POF.COM customers to webcam sites such as FCI's, LRAM's and PCL's.

8. John Doe 1 is a marketing company hired by FCI to generate web traffic to FCI's website. John Doe 1 illegally accessed POF.COM to direct POF users and Internet traffic from POF.COM to FCI's website.

9. John Does 2 and 3 are marketing companies hired by LRAM and PSL to generate web traffic to their websites. John Does 2 and 3 illegally accessed POF.COM to direct POF users and Internet traffic from POF.Com to LRAM's website, myfreecams.com, and PSL's website, personalcams.com.

10. John Does 4 and 5 are marketing companies hired by webcam and dating website owners to generate web traffic and customers. To accomplish this, John Does 2 and 3 illegally accessed POF.COM to direct POF users and Internet traffic from POF.COM to webcam and other sites.

### **Jurisdiction and Venue**

11. This Court has federal jurisdiction under 28 U.S.C. § 1331 because this action arises under a federal statute, the Computer Fraud and Abuse Act.

12. The Court has supplemental jurisdiction with respect to the pendent state law trespass claim under 28 U.S.C. § 1367.

13. This Court has personal jurisdiction over Defendants because a substantial part of the wrongful acts alleged herein were committed in or were intended to direct POF customers and web traffic to a website owned by FCI in the State of Washington and/or LRAM in Washington. In addition, all of the websites in question are interactive websites allowing users to enter credit card information to receive services. Jurisdiction is, therefore, proper for this reason as well.

14. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391 because FCI is a corporation located in, and a substantial number of the events occurred in, this judicial district. LRAM, PSL and Leahy also are subject to venue pursuant to 28 U.S.C. § 1391(d) in this district because they are foreign entities and/or foreign persons.

### **Factual Background**

15. POF's website, POF.COM (a/k/a PLENTYOFFISH.COM), is a well known and highly popular and successful dating website, with over numerous users in the United States alone.

16. Throughout 2012, certain marketing company hackers have illegally logged onto POF.COM with fake user information and have duped numerous POF.COM members to webcam and other websites.

17. The way it works is that webcam and other websites hire marketing companies to generate members for, and web traffic to, their websites. When a user signs up for a webcam site, for example, the marketing company which directed the traffic to that site earns a commission from sales attributed to members they brought to that webcam and other websites.

18. It is well known that the way some web marketing companies generate members and web traffic is by hacking into websites to fraudulently lure away members and direct them to other websites. In this case, the hackers know that POF.COM has members who are men searching for women. The hackers know that some percentage of these men might be inclined to use webcam or other website services, such as paid dating sites. Hackers then create illegal and fake user profiles or highjack real user profiles, then interact with other users on the POF.COM website and through other online communication means, such as Yahoo! Messenger, under the false premise that these fake or high jacked profiles represent real women. Then, after the hackers posing as females interact with POF.COM members, the hackers supply POF.COM customers with links to other websites, such as webcam and competing dating websites. This results in web traffic and memberships for those webcam and dating sites.

19. As recently as November, 2012, these hackers have directed numerous POF.COM customers to Defendant FCI's website, FREESECRETCAMS.COM, as well as to LRAM and PSL's websites. FCI, LRAM and PSL each hired marketing companies to direct traffic to their websites, knowing full well how these marketers operate and generate traffic. In fact, FCI, LRAM and PSL were put on notice by POF about this activity and refused to voluntarily cooperate to put an end to the illegal hacking.

20. One of these hackers is Defendant Tell, who uses landing page websites FACETIMEMEINVITE.COM and PROFILECAMCRUSH.COM to direct POF.COM users to webcam sites such as PSL's. John Does 1 through 5 also engaged in the above-mentioned hacking activity to direct POF customers to FCI, LRAM, PCL and potentially other webcam and dating websites.

21. Another landing page hackers use to redirect traffic and customers of POF is one owned by Defendant Leahy, who owns and operates the identical landing webpage as Tell to engage in the above-mentioned hacking activity.

22. As a result of Defendants' illegal hacking activities, POF has had to spend far in excess of \$5,000 to investigate and stop the illegal hacking. In addition, it likely has lost customers and web activity as a result of the illegal activity, the number of which will be determined in the future. Defendants also have caused service interruption to POF.COM, causing the site to intermittently go offline.

# **COUNT I – VIOLATIONS OF THE COMPUTER FRAUD AND ABUSE ACT**

## **(18 U.S.C. § 1030 et seq.)**

23. POF restates paragraphs 1 through 22 as if set forth herein.

24. POF's computer systems for POF.COM are used in and affecting interstate commerce and communication and are, therefore, "protected computers" as defined by the Computer Fraud and Abuse Act (the "CFAA"), 18 U.S.C. § 1030(e)(2).

25. Defendants each violated the CFAA, 18 U.S.C. § 1030(a)(4) in that they knowingly, with the intent to defraud, accessed or hired others to access the computer system of POF without proper authorization and under false pretenses, or exceeded authorized access, and by means of such conduct, further intended fraud and obtained things of value.

26. As described above, Defendants, together and/or separately for the benefit of other Defendants, published false information to POF's members and to thereby surreptitiously gain access to POF member emails and other personal information.

27. Defendants acted without authorization or exceeding authorization in that POF did not give Defendants permission to access its website and engage members in the manner described.

28. Defendants' conduct was done knowingly and with the intent to defraud for the purpose of directing POF customers to Defendants' and other's webcam sites, and to share information with third parties without the knowledge, consent and authorization of POF.

29. As a direct and proximate result of Defendants' conduct, POF has suffered harm that includes the harm described above.

30. Defendants' unlawful access and use of POF's computer systems constituted and continue to constitute acts resulting in a loss to POF of at least \$5,000 within a one year period.

31. POF is therefore entitled to compensatory damages.

32. In addition, Defendants' unlawful access and use of POF's computer systems has caused and continues to cause POF irreparable harm.

33. Unless enjoined, Defendants will continue to commit such acts. POF's remedy at law is not adequate to compensation POF for these inflicted, imminent, threatened and continuing injuries, entitling POF to remedies including injunctive relief as provided by 18 U.S.C. § 1030(g).

## COUNT II – TRESPASS TO CHATTELS

34. POF restates paragraphs 1 through 33 as if set forth herein

35. POF is the owner of the computer system which runs POF.COM, which is accessed regularly by POF members.

36. Defendants dispossessed POF of the use of its computer systems by commandeering those resources for their own purposes.

37. Defendants impaired the condition, quality and value of POF's computer system and website through their persistent and illegal access, which caused ongoing improper interaction with POF's members.

38. POF has a legally protected economic interest in their computer systems and the member experience on its POF.COM website.

39. POF and its members sustained harm in that the expected use of and performance of POF.COM was diminished on an ongoing basis.

40. As a direct and proximate result of Defendants trespass, interference, unauthorized and excessive access of and intermeddling with POF's computer systems and website, POF has been harmed as described above.

41. POF seeks injunctive relief restraining Defendants from trespass and damages.

**Demand for Jury Trial**

42. Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, POF hereby demands a jury trial of all issues so triable.

**Prayer for Relief**

WHEREFORE, POF respectfully requests this Court:

- a. Enter judgment in favor of POF and against Defendants;
- b. Enter injunctive relief as is necessary to protect the interests of POF;
- c. Award damages to POF in an amount to be proven;
- d. Award increased or treble damages in an amount to be proven;
- e. Award disgorgement of monies obtained through and as a result of the unfair and deceptive acts, in an amount to be proven;
- f. Award POF pre and post judgment interest, to the extent allowable;
- g. Award POF its reasonable litigation attorneys' fees and costs; and
- h. Grant any and all further relief as this Court may deem just, necessary or proper.

Respectfully submitted,

Dated: November 30, 2012

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